

1 NATHAN M. JENKINS (560)  
2 JERRY C. CARTER (5905)  
3 JENKINS & CARTER  
4 501 Hammill Lane  
5 Reno, NV 89511  
6 (775) 829-7800  
7 Attorneys for Plaintiffs

8  
9 UNITED STATES DISTRICT COURT  
10  
11 FOR THE DISTRICT OF NEVADA  
12

13 TRUSTEES OF THE NORTHERN NEVADA  
14 LABORERS HEALTH & WELFARE TRUST  
15 FUND, et al.,

Case No. 3:09-cv-00720-RCJ-VPC

16 Plaintiffs,  
17 vs.

**STIPULATION FOR VOLUNTARY  
DISMISSAL WITH PREJUDICE**

18 PETERSEN CONSTRUCTION, INC., a  
19 Nevada corporation; ERIC PETERSEN;  
20 KAREN PETERSEN; EMPLOYERS  
21 MUTUAL CASUALTY COMPANY, an Iowa  
22 corporation; DEVELOPERS SURETY &  
23 INDEMNITY COMPANY, an Iowa  
24 corporation; and DOES 2 -10,

25 Defendants.  
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Plaintiffs, by and through their undersigned counsel, and Chapter 7 Trustee Angelique L.  
M. Clark, acting pursuant to that certain Stipulation and Order to Dismiss Federal Court  
Litigation Against Debtors and Petersen Construction, Inc. with Prejudice entered in the Chapter  
7 bankruptcy case captioned *In re Petersen*, Case No. 11-50174-btb, in the United States  
Bankruptcy Court for the District of Nevada, pursuant to Federal Rule of Civil Procedure  
41(a)(1)(A)(ii), hereby stipulate that all claims in the above-entitled action shall be,

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1 and hereby are, voluntarily dismissed with prejudice, with each party to bear its own costs and  
2 attorneys fees.

3 DATED this 18th day of June, 2013.

4 JENKINS & CARTER  
5 Attorneys for Plaintiffs

6 By: 

7 NATHAN M. JENKINS  
8 JERRY C. CARTER  
501 Hammill Lane  
Reno, Nevada 89511

9 DATED this 4th day of June, 2013.

10 TRUSTEE, CHAPTER 7  
11 On behalf of Defendants Petersen Construction, Inc., Eric  
Petersen, and Karen Petersen

12 By: 

13 ANGELIQUE L. M. CLARK  
14 Chapter 7 Trustee  
15 POB 50070  
16 Sparks, NV 89435  
17 (775) 626-7083

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated this 21st day of June, 2013.

21   
22 UNITED STATES DISTRICT JUDGE  
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JENKINS & CARTER

ATTORNEYS AT LAW

501 Hammill Lane

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# **EXHIBIT 1**

**Laborers Trust Funds, et al. vs. Petersen Construction, et al.  
3:09-cv-00720-ECR-VPC**

**STIPULATION FOR VOLUNTARY DISMISSAL WITH PREJUDICE**

# **EXHIBIT 1**

*Bruce T. Beesley*

Honorable Bruce T. Beesley  
United States Bankruptcy Judge



Entered on Docket  
June 12, 2013

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Attorneys for Northern Nevada Laborers  
Trust Funds and Northern Nevada  
Operating Engineers Trust Funds

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

ERIC S. PETERSEN and  
KAREN M. PETERSEN,

Debtors.

Case No. 11-50174-btb

Chapter Number: 7

STIPULATION AND ORDER TO  
DISMISS FEDERAL COURT  
LITIGATION AGAINST DEBTORS AND  
PETERSEN CONSTRUCTION, INC.  
WITH PREJUDICE

(NO HEARING REQUIRED)

This Stipulation and Order to Dismiss Federal Court Litigation Against Debtors and Petersen Construction, Inc. with Prejudice (this "Stipulation") is entered into by and among: (1) Angelique L. M. Clark, Chapter 7 Trustee (the "Chapter 7 Trustee"); (2) Trustees of the Northern Nevada Laborers Health and Welfare Trust Fund, Laborers Pension Trust Fund for Northern Nevada, Laborers Training Trust for Northern Nevada, and Construction Workers Vacation Savings Trust Plan (collectively, the "Northern Nevada Laborers Trust Funds"); and (3) the

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1 Trustees of the Northern Nevada Operating Engineers Health & Welfare Trust Fund, Operating  
2 Engineers and Participating Employers Preapprentice, Apprentice, and Journeyman Affirmative  
3 Action Training Fund for Northern Nevada, Operating Engineers Pension Trust Fund, Operating  
4 Engineers Vacation and Holiday Pay Plan, and Pensioned Operating Engineers Health & Welfare  
5 Trust Fund (collectively, the "Northern Nevada Operating Engineers Trust Funds").

6 Whereas, on or about December 9, 2009 the Trustees of the Northern Nevada Laborers  
7 Trust Funds filed a Complaint in Case No. Case No. 3:09-cv-00720-RCJ-VPC, in the United  
8 States District Court for the District of Nevada, against Petersen Construction, Inc. (the  
9 "Construction Company"), Eric Petersen, and Karen Petersen to collect fringe benefit  
10 contributions pursuant to the Employee Retirement Income Security Act ("ERISA");

11 Whereas, on or about December 9, 2009 the Trustees of the Northern Nevada Operating  
12 Engineers Trust Funds filed a Complaint in Case No. 3:09-cv-00721-ECR-VPC, in the United  
13 States District Court for the District of Nevada, against Petersen Construction, Inc. (the  
14 "Construction Company"), Eric Petersen, and Karen Petersen to collect fringe benefit  
15 contributions pursuant to ERISA;

16 Whereas, Debtors Eric S. Petersen and Karen Petersen, in their individual capacity, filed  
17 for bankruptcy relief under Chapter 7 on or about January 21, 2011;

18 Whereas, Eric S. Petersen was the sole shareholder of the Construction Company at the  
19 time he filed for bankruptcy relief;

20 Whereas, Angelique L. M. Clark was appointed the Chapter 7 Trustee in this case;

21 Whereas, the Stipulation and Order Determining the Trustee's Rights and Duties with  
22 Regard to Litigation and Agreeing to Request Stay of State Court Litigation Brought by Petersen  
23 Construction, Inc. for 120 Days (#35) was entered on June 17, 2011, and provides, among other  
24 things that: (1) "The Parties stipulate that Eric S. Petersen was the sole shareholder of the  
25 Construction Company before he filed for bankruptcy relief, and as such is not entitled to exempt  
26 that stock in his personal bankruptcy"; and (2) "The stock interest in the Construction Company  
27 is an asset of Eric S. Petersen's personal bankruptcy estate, and therefore, the Trustee is now the  
28 sole shareholder of the Construction Company";

1           Whereas, the bankruptcy estate in this case included all non-exempt assets of Eric  
2 Petersen, Karen Petersen, and the Construction Company;

3           Whereas, the Chapter 7 Trustee has completed her administration of the estate;

4           Whereas, on March 8, 2012, Defendants Eric Petersen and Karen Petersen received a  
5 discharge under 11 U.S.C. § 727 in the Chapter 7 bankruptcy case captioned In re Petersen, Case  
6 No. 11-50174-btb, in the United States Bankruptcy Court for the District of Nevada; and

7           Whereas, the parties to this Stipulation desire to dismiss Case No. 3:09-cv-00720-RCJ-  
8 VPC and Case No. 3:09-cv-00721-ECR-VPC with prejudice, with each party to bear its own  
9 costs and attorneys fees;

10           Accordingly, the parties to this Stipulation hereby agree and stipulate that the Chapter 7  
11 Trustee shall execute, on behalf of Petersen Construction, Inc. and Debtors Eric S. Petersen and  
12 Karen Petersen, stipulations for dismissal with prejudice of Case No. 3:09-cv-00720-RCJ-VPC  
13 and Case No. 3:09-cv-00721-ECR-VPC, with each party to bear its own costs and attorneys fees.

14 DATED June 4, 2013.

TRUSTEE, CHAPTER 7

15  
16 By: 

ANGELIQUE L. M. CLARK

Chapter 7 Trustee

POB 50070

Sparks, NV 89435

(775) 626-7083

19 DATED June 5, 2013.

JENKINS & CARTER

Attorneys for Northern Nevada Laborers

Trust Funds and Northern Nevada

Operating Engineers Trust Funds

20  
21  
22  
23 By: 

NATHAN M. JENKINS

JERRY C. CARTER

501 Hammill Lane

Reno, Nevada 89511-1004

26 IT IS SO ORDERED.  
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